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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,699	05/16/2005	Philippe Cateau	047578/286155	8621
826 7590 11/14/2008 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER MAI, THIEN T	
			ART UNIT 2887	PAPER NUMBER
			MAIL DATE 11/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,699

Applicant(s)

CATTEAU ET AL.

Examiner

Thien T. Mai

Art Unit

2887

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 18-21, 24-30 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 18-21, 24-30 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgement

Acknowledgement is hereby made of the amendment filed 7/3/2008

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim(s) 1, 18, 21, 25-27, 30 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Turner et al. (6480182, "Turner" hereinafter)

Turner discloses at col. 4 lines 55-65 an electrophoretic display label having a display element 104 (fig. 1) acting as a dielectric material between two conductors

thereby forming a capacitor. Further, in Figs. 7A, 7B and at col. 10 lines 9-56, Turner teaches a display 770 disposed between two antenna coils 760 that are used for remote transceiving. Turner further teaches that the display unit 770 is generated by a printing process inherently on a substrate having at least some thickness interpreted as the "wall" in the claim. Thus the display 770 and/or antenna 760 placed on the "wall" constitute a stack with the "wall".

Re claim 18, Turner discloses the display 770 and antenna coil 760 are deposited on a substrate including paper (abstract, col. 2 lines 29-52)

Re claim 21, the coils 760 are inherently made of conductive wire.

Re claim 25, Turner discloses in fig. 7B the display 770 acting as an electrical bridge connecting first and second antenna head.

Re claim 26, Turner discloses a flat cable in fig. 7B a cable extending from the display to each of the respective coils

Re claim 27, Turner discloses a flat cable in fig. 7B a cable extending from the display (having electronic circuit) to each of the respective coils.

Re claim 30, Turner discloses the wall defines an opening (i.e. open space) so that cable is passed (Fig. 7B)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim(s) 19-20, 28-29 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al. (6480182, "Turner" hereinafter) in view of Blanc et al. (US 6,437,985). The teachings of Turner have been discussed above.

Turner is silent with respect to insulation layer comprising a decorative layer.

Re claim 19, Blanc et al discloses an insulating layer (22), wherein the antenna is disposed between the wall and the insulating layer (Fig. 9)

Re claim 20, Blanc et al discloses the insulating layer comprises a decorative layer (col.3 lines 49-58, col. 9 lines 63-64: film 22 can be deposited with decorative information)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Blanc et al. in order to have decorative insulation means to the label.

Re claim 28, as discussed above in claim 27, Turner discloses a flat cable as a tab,

Turner is further silent with respect to the tab soldered to the electronic circuit.

Blanc discloses soldering using ultrasonic welding of antenna and electronic circuit is well known in the art (col. 5 lines 10-12, 34-40).

Re claim 29, Blanc further discloses it is well known for a tab (i.e. contact pad 5,6 in Fig. 1, 4, 5) connecting an antenna to an electronic circuit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Blanc to further ensure a good connection between the antenna and electronic circuit.

5. Claim(s) 24 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al. (6480182, "Turner" hereinafter) in view of Albert et al. (US 6,118,426, "Albert" hereinafter) further in view of Blanc et al. (US 6,437,985, "Blanc" hereinafter). The teachings of Turner have been discussed above.

Turner is silent with respect to at least a portion of the first antenna head is linear, and wherein at least a portion of the second antenna head is linear and parallel to the linear portion of the first antenna head.

Albert discloses an electrophoretic display label (col.2 lines 20-27) having "an antenna 302 can be a monopole antenna, a dipole antenna, a planar array, a coil or any other antenna structure known in the art of radio reception" (col. 14 lines 10-17).

Blanc discloses a typical coil antenna having sharp turns and printable on sheet and each portion of each end of the coil can be made parallel to each other (Fig. 1, 4, 10, 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Albert and Blanc to arrive at an electronic label having a desirable coil antenna structure.

6. Claim(s) 36 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al. (6480182, "Turner" hereinafter) in view of Suga et al. (US 6,427,065, "Suga" hereinafter). The teachings of Turner have been discussed above.

Re claim 36, Turner lacks the teaching of impedance matching.

Suga discloses a matching circuit and/or chip (Fig. 4-5, 14) that uses the antenna coil and capacitor 25 to variably match the impedance of the desired power supply

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voltage to internal circuits (col. 2 lines 45+, col. 3 lines 20+, col. 9 lines 45+, col. 14 lines 29+)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Suga et al. in order for the power voltage for the label's internal circuit to be controlled thereby minimizing possible failures.

Remarks

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection set forth above as the result of an update search. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Myer (US 5,850,416) discloses a label having antenna

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien T. Mai whose telephone number is 571-272-8283. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve S. Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thien T Mai/
Examiner, Art Unit 2887

/EDWYN LABAZE/
Primary Examiner, Art Unit 2887